

PATENT COOPERATION TREATY

(code 14.06.05)

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/008982 ✓

International filing date (day/month/year)
11.08.2004 ✓

Priority date (day/month/year)
14.08.2003 ✓

International Patent Classification (IPC) or both national classification and IPC
A23L3/3436

Applicant
COBARR S.P.A. ✓

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/008982

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/008982

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	7, 12-19, 23, 27-35, 39, 43-46, 49-50
	No: Claims	1-6, 8-11, 20-22, 24-26, 36-38, 40-42, 47-48
Inventive step (IS)	Yes: Claims	
	No: Claims	1-50
Industrial applicability (IA)	Yes: Claims	1-50
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial
applicability; citations and explanations supporting such statement**

- 1 Reference is made to the following document:
D1: PATENT ABSTRACT OF JAPAN vol. 1999, no. 08, 30 June 1999 & JP 11 080555 (KISHIMOTO AKIRA) 26 March 1999 + english machine translation
- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 20 is not new in the sense of Article 33(2) PCT.
 - 2.1 The document D1 discloses (abstract and paragraphs 21, 26 of machine translation in english): a container from a thermoplastic resin comprising an iron-based oxygen-scavenging composition composed of iron powder and a metal chloride of group IIIB, IVB or VIII; (chlorides of aluminium, tin and iron are much more specifically mentionned) wherein the oxygen-scavenging composition is formed by coating iron powder with the metal salt dissolved in an organic solution (ethanol, acetone or ether) .
 - 2.2 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 31,33,35,36,47 and 50 which therefore are also considered not new/inventive.
- 3 Dependent claims 2-19, 21-30, 32, 34, 37-46, 48-49 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step. Those claims relate to alternative design or method, not giving rise to unexpected technical effect.